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In re Application of
ARTS et al.
Application No.: 10/583,932 : DECISION ON PETITION
PCT No.: PCT/EP04/13865 :
Int. Filing Date: 06 December 2004 :
Priority Date: 22 December 2003 :
Attorney Docket No.: 0034.1002 :
For: PROCESS AND ARRANGEMENT FOR
DETERMINING WATER CONTENT

This decision is issued in response to applicants' "Reply to Notification of Missing Requirements" filed 30 July 2007 which is being treated as a petition under 37 CFR 1.181. Additionally, this decision is issued in response to applicants' "Status Inquiry" filed 24 September 2007. No petition fee is required.

BACKGROUND

On 06 December 2004, applicants filed international application PCT/EP04/13865 which claimed a priority date of 22 December 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire on 22 June 2006.

On 22 June 2006, applicants filed a Transmittal Letter for entry into the national stage accompanied, *inter alia*, by: the requisite basic national fee; a copy of the international application; and a preliminary amendment.

On 27 February 2007, the United States Designated Office (DO/EO/US) mailed a Notification Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a signed oath/declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) together with a surcharge payment were required. The notification set a two-month time limit in which to respond.

On 30 July 2007, applicants filed the present petition which was accompanied, among other things, a copy of the declaration/power of attorney and a post card receipt dated 22 June 2006.

DISCUSSION

Applicants state in the present petition that a declaration/power of attorney was received at the United States Patent and Trademark Office on 22 June 2006. A review of the present application reveals that the declaration/power of attorney is not located therein. Section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

Here, applicants have provided a copy of their date-stamped filing receipt. The receipt identifies the application by the applicants, corresponding international application number, title of invention, and attorney docket number. The receipt itemizes, among other things, a declaration and power of attorney. The receipt is stamped "Rec'd OIPE 22 Jun 2006" across its face is sufficient to indicate that the above item was in fact received in the Office on 22 June 2006.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

In view of the declaration filed 22 June 2006, the Notification of Missing Requirements (Form PCT/DO/EO/905) dated 27 February 2007 is hereby **VACATED**.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



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